

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 12/18/2012	(3) CONTACT/PHONE Ted Bench, Planner III / 781-5702	
(4) SUBJECT Hearing to consider a request by the County of San Luis Obispo to adopt amendments to the County's inclusionary housing ordinance, specifically Land Use Ordinance Section 22.12.080 and Coastal Zone Land Use Ordinance Section 23.04.096 and related amendments to the Inland and Coastal Framework for Planning and take final action on all items previously given tentative approval on November 13, 2012 and today. Districts: All			
(5) RECOMMENDED ACTION That the Board of Supervisors: <ol style="list-style-type: none"> 1. Hold the public hearing on the amendments recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff reports and take tentative action. 2. Take final action on all amendments tentatively approved on November 13, 2012 and today by adopting and instructing the Chairperson to sign the attached resolution and ordinances. 			
(6) FUNDING SOURCE(S) Department Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. _60 min____) <input type="checkbox"/> Board Business (Time Est._____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date _11-13-12 / 12-4-12____	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) All Districts -			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Ted Bench, Planner III

VIA: Kami Griffin, Assistant Director

DATE: 12/18/2012

SUBJECT: Hearing to consider a request by the County of San Luis Obispo to adopt amendments to the County's inclusionary housing ordinance, specifically Land Use Ordinance Section 22.12.080 and Coastal Zone Land Use Ordinance Section 23.04.096 and related amendments to the Inland and Coastal Framework for Planning and take final action on all items previously given tentative approval on November 13, 2012 and today. Districts: All

RECOMMENDATION

That the Board of Supervisors:

1. Hold the public hearing on the amendments recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff reports and take tentative action.
2. Take final action on all amendments tentatively approved on November 13, 2012 and today by adopting and instructing the Chairperson to sign the attached resolution and ordinances.

DISCUSSION

At today's meeting, your Board will hold a public hearing on the following amendments recommended for approval by the Planning Commission and take tentative action with final action occurring through adoption of the attached resolution and ordinances.

Item 1 The Planning Commission is transmitting the record of their meeting of October 11, 2012 to your Board for the attached proposed amendments to Framework for Planning and Coastal Framework for Planning (Part I of the Land Use Element) and Titles 22 and 23 of the County Code, as follows:

Hearing to consider a request by the County of San Luis Obispo to adopt amendments to the County's inclusionary housing ordinance, specifically Land Use Ordinance Section 22.12.080 and Coastal Zone Land Use Ordinance Section 23.04.096. The proposed ordinance amendments would not cause substantial changes to the ordinance, but instead would clarify and strengthen the existing ordinance. These ordinance amendments affect all planning areas of the county that are outside of the jurisdictions of the incorporated cities.

County File No: **LRP2006-00003**

Supervisory Districts: All

On October 11, 2012, the Planning Commission considered the above referenced matter and took the following action to recommend approval of the proposed amendment:

On the motion of Commissioner Christianson, seconded by Commissioner Topping, and carried unanimously with Commissioner Irving absent, recommending to the Board of Supervisors approval of these amendments to the Framework for Planning, Title 22, the Land Use Ordinance and Title 23, the Coastal Zone Land Use Ordinance as shown in Exhibit LRP2006-00003:A, B, C and D.

The Planning Commission made the following changes to the ordinance amendments presented by Planning Department staff:

1. Clarified exempt condominium conversion projects as follows **(see bold, italic text)**:

22.12.080.B.2.i. A condominium conversion of an existing residential structure that does not increase the number of dwelling units. **A residential condominium conversion may be subject to Section 22.22.080.E. Condominium conversions.**

23.04.096.b.(2)(ix) A condominium conversion of an existing residential structure that does not increase the number of dwelling units. **A residential condominium conversion may be subject to Section 23.04.028.e. Condominium conversions.**

2. Added to the notes at the end of the inclusionary housing chart **(see bold, italic text)**:

~~Year 1 shall begin on the 31st day following the adoption of this Section by the Board of Supervisors.~~ This phase-in period shall coincide with the five-year phase-in period for the affordable housing fee schedules of Title 29 – Affordable Housing Fund, Section 29.04.040. **Income groups and income limits are defined by Section 22.12.070.B. Eligible Household Definitions.**

~~Year 1 shall begin on the 31st day following the adoption of this Section by the Board of Supervisors.~~ This phase-in period shall coincide with the five-year phase-in period for the affordable housing fee schedules of Title 29 – Affordable Housing Fund, Section 29.04.040. **Income groups and income limits are defined by Section 23.04.094.b. Eligible Household Definitions.**

3. As suggested by County Counsel, the Planning Commission revised Finding A of the “Findings for Amendments to the Inclusionary Housing Ordinance”.

Environmental Determination

As part of your Board’s tentative action today, the following findings shall also be made:

- A. On December 9, 2008, the Board of Supervisors certified the Final Environmental Impact Report for the original Inclusionary Housing Ordinance in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 210000 et. seq. The Final Environmental Impact Report found that there was evidence that the original Inclusionary Housing Ordinance may have a significant effect on the environment, and, therefore, identified mitigation measures for potential impacts to agricultural resources, air quality, cultural resources, hydrology and water quality, geologic hazards, noise, public services and utilities, and transportation/circulation. Significant and unavoidable impacts to biological resources and water resources were identified and a Statement of Overriding Considerations was adopted.
- B. In accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., an Environmental Impact Report Addendum was prepared for the proposed amendments to the Inclusionary Housing Ordinance. An addendum is appropriate for these amendments as the proposed changes would not result in new significant impacts not previously identified. No substantial changes are proposed or have occurred with respect to the project that will require major revisions of the previously-certified Final

Environmental Impact Report. No new information of substantial importance has been identified which was not known at the time that the previous Final Environmental Impact Report was certified. No new mitigation measures or alternatives are proposed.

- Item 2.** Take final action on all amendments tentatively approved on November 13, 2012 and December 18, 2012 by adopting the attached resolution and ordinances.

OTHER AGENCY INVOLVEMENT/IMPACT

The amendments were referred to all applicable responsible agencies and were reviewed and recommended for approval by the Planning Commission. County Counsel has reviewed the Resolution and Ordinances as to form and content.

FINANCIAL CONSIDERATIONS

Preparation of the proposed ordinance amendments are included in the Planning and Building Department budget as a County-initiated amendment.

RESULTS

Final approval through adoption of the Resolution and Ordinances will allow the amendments to become effective 30 days after the date of final action which is set for December 18, 2012 making the effective date January 17, 2013.

ATTACHMENTS

- Attachment A-1 - Planning Commission Resolution
 - Planning Commission Findings
 - Exhibit LRP2006-00003:B – General Plan Amendment (Inland)
 - Exhibit LRP2006-00003:C – General Plan Amendment (Coastal)
 - Exhibit LRP2006-00003:D – Title 22 Amendments (Strikethrough)
 - Exhibit LRP2006-00003:E – Title 23 Amendments (Strikethrough)
- Attachment A-2 - Draft Planning Commission Minutes from the October 11, 2012 Meeting
- Attachment A-3 - Planning Commission Staff Report for the October 11, 2012 Meeting
- Attachment B – Resolution adopting all items previously given tentative approval on November 13 and December 18, 2012
 - Attachment B -1 – Amendments to Framework for Planning (Inclusionary Housing)
 - Attachment B – 2 – Amendments to Coastal Framework for Planning (Inclusionary Housing)
 - Attachment B-3 – Amendments to Title 22 (Olive Oil Production and Agricultural Sales)
 - Attachment B-4 – Amendments to Title 22 (Inclusionary Housing)
 - Attachment B-5 – Amendments to Title 23 (Inclusionary Housing)
 - Attachment B-6 = Ordinance amending Titles 22 and 23
 - Attachment B-7 – EIR Addendum (Clerk's File statement)